

In re Application of: HERZBERG  
Serial No.: 10/511,859  
Filed: October 18, 2004  
Office Action Mailing Date: January 17, 2008

Examiner: FLORES  
Group Art Unit: 2611  
Attorney Docket: 37476

**REMARKS**

Reconsideration of the above-identified application in view of the amendments above and the remarks following is respectfully requested.

Claims 1-9, 11-15, 17, 19-30, 33, 34, 36-44, and 46-51 are rejected.

Claims 10, 16, 18, and 45 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 31, 32 and 35 were previously canceled, and claims 1-3, 14, 17, 19, 28, 30, and 36 are cancelled herewith.

Claims 4-8, 10-13, 15, 16, 18, 20, 24-27, 29, 33, 39-51 are amended herewith.

Claims 52-55 are new.

Applicants thank the Examiner for the telephone interview of December 13, 2007, in which were discussed limitations of claim 1 with reference to cited references, and references cited against claims 9 and 10.

The Examiner has indicated in the present Office Action, mailed January 17, 2008, that claims 10, 16, 18, and 45 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 10, 16, 18, and 45 have been rewritten in independent form including all of the limitations of the base claim and any intervening claims, and are therefore deemed allowable.

In re Application of: HERZBERG  
Serial No.: 10/511,859  
Filed: October 18, 2004  
Office Action Mailing Date: January 17, 2008

Examiner: FLORES  
Group Art Unit: 2611  
Attorney Docket: 37476

New claim 52 corresponds to claim 18 rewritten in independent form including limitations of the base claim and intervening claims, less a second half of the limitation of intervening claim 14: "which forces a retrain of the modem connection".

Applicant has read the cited references, and believes that combining the first half of the limitation of intervening claim 14, specifically "injecting through the line interface noise", with the limitation of claim 18, specifically "wherein the injected noise does not interfere with voice frequency bands of the communication link", results in a limitation which is not taught by any of the cited references. Applicant therefore contends that new claim 52 is an allowable broadening amendment to allowable claim 18 rewritten in independent form.

Claims 1-3, 14, 17, 19, 28, 30, and 36 have been cancelled without prejudice.

Claims 4-8, 11-13, 15, 20, 24, 25-27, 33, 39, and 40 have been amended to depend from new claim 52, and are therefore deemed allowable at least by virtue of their parent.

Claim 9 was previously presented, and depends from claim 8, which depends from new claim 52, and is therefore deemed allowable at least by virtue of its parents.

Original claim 21 depends from claim 20, which depends from new claim 52, and is therefore deemed allowable at least by virtue of its parents.

Claims 22 and 23 were previously presented, and depend from claim 20, which depends from new claim 52, and is therefore deemed allowable at least by virtue of its parents.

In re Application of: HERZBERG  
Serial No.: 10/511,859  
Filed: October 18, 2004  
Office Action Mailing Date: January 17, 2008

Examiner: FLORES  
Group Art Unit: 2611  
Attorney Docket: 37476

Claim 25, in addition to being amended to depend from new claim 52, has also been amended to correct an error in antecedent basis.

Claim 26, which was an independent claim, has been amended to depend from new claim 52, and is therefore deemed allowable at least by virtue of its parent claim.

New claim 53 has been added, being an apparatus claim corresponding to new claim 52, and is deemed allowable according to the argument raised with reference to new claim 52.

Claim 29 has been amended to depend from new claim 53, and is therefore deemed allowable at least by virtue of its parent claim 53.

Claim 33, in addition to being amended to depend from new claim 52, has been amended to delete language already present in its parent claim 52. Claim 33 is deemed allowable at least by virtue of its parent.

Original claim 34 depends from claim 33, which depends from new claim 52, and is therefore deemed allowable at least by virtue of its parents.

Claims 37 was previously presented, and depends from claim 33, which depends from new claim 52, and is therefore deemed allowable at least by virtue of its parents.

Original claim 38 depends from claim 33, which depends from new claim 52, and is therefore deemed allowable at least by virtue of its parents.

In re Application of: HERZBERG  
Serial No.: 10/511,859  
Filed: October 18, 2004  
Office Action Mailing Date: January 17, 2008

Examiner: FLORES  
Group Art Unit: 2611  
Attorney Docket: 37476

Claim 41 has been amended to depend from amended claim 45, and is therefore deemed allowable at least by virtue of its parent.

Claims 42-44 have been amended to depend from amended claim 10, and are therefore deemed allowable at least by virtue of their parent.

Claims 46-48 have been amended to depend from amended claim 18, and are therefore deemed allowable at least by virtue of their parent.

Claims 49-51 have been amended to depend from new claim 53, and are therefore deemed allowable at least by virtue of their parent.

New claims 54 and 55 depend from amended claim 10, and correspond to amended claims 46 and 47, which depend from amended claim 18. New claims 54 and 55 are deemed allowable at least by virtue of their parent.

In view of the above amendments and remarks it is respectfully submitted that claims 4-13, 15, 16, 18, 20-27, 29, 33, 34, 37-55 are now in condition for allowance. A prompt notice of allowance is respectfully and earnestly solicited.

Respectfully submitted,



Martin D. Moynihan  
Registration No. 40,338

Date: April 17, 2008

Enclosures:

- Additional Claims Transmittal Fee